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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 STUDENT DOE #3,

15 Plaintiff,

16 v.

17 KRISTINOEM, in her official capacity
as Secretary of Homeland Security; *et*
18 *al.*,

19 Defendants.
20
21
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No. 8:25-cv-00706-DOC-DFM

**DEFENDANTS' SUPPLEMENTAL
NOTICE TO STUDENT DOE #3'S *EX*
PARTE APPLICATION; SUGGESTION
OF MOOTNESS**

Hearing Date: April 28, 2025

Hearing Time: 12:00 p.m.

Ctrm: United States Courthouse
411 West Fourth Street
Santa Ana, CA 92701

Honorable David O. Carter
United States District Judge

DEFENDANTS’ SUPPLEMENTAL NOTICE TO PLAINTIFF’S *EX PARTE*
APPLICATION; SUGGESTION OF MOOTNESS

Plaintiff—an unidentified student—complains that his information within a federal government database of international students at U.S. colleges and universities known as SEVIS was arbitrarily terminated by ICE. Through his *ex parte* application (Dkt. 17), Plaintiff asks this Court for the extraordinary exigent relief of issuing a TRO requiring Defendants to (1) restore his SEVIS record; and (2) not to take enforcement actions against him based on the terminated SEVIS status. The *ex parte* application should be denied. Furthermore, the lawsuit is moot and should be dismissed.

As the Court may already be aware through the press and through reviewing similar SEVIS cases, on April 25, 2025, the government announced that ICE was restoring the SEVIS records of international students that had been terminated. This reactivation includes students that filed lawsuits as plaintiffs and students who did not file lawsuits—i.e. ICE’s reactivation of SEVIS records is independent of any particular civil litigation.

Specifically, ICE is developing a policy that will provide a framework for SEVIS record terminations. Until such a policy is issued, the SEVIS records for Plaintiff in this case (and similarly situated plaintiffs in similar cases) *will remain Active or shall be re-activated* if not currently active and *ICE will not modify the record solely based on the NCIC finding that resulted in the recent SEVIS record termination*.

The reactivation is being done as quickly as possible.

ICE still maintains the authority to terminate a SEVIS record for other reasons, such as if a student fails to maintain his or her nonimmigrant status after the record is reactivated or engages in other unlawful activity that would render him or her removable from the United States under the Immigration and Nationality Act (“INA”).

Accordingly, because there is no case or controversy at this juncture, Plaintiff’s TRO application should be denied for failure to establish that exigent preliminary injunctive relief is required to redress a likelihood of irreparable harm.

1 Dated: April 25, 2025

Respectfully submitted,

2 BILAL A. ESSAYLI

United States Attorney

3 DAVID M. HARRIS

Assistant United States Attorney

4 Chief, Civil Division

5 JOANNE S. OSINOFF

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6 Chief, Complex and Defensive Litigation Section

7 /s/ Alexander L. Farrell

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11 Certificate of Compliance with L.R. 11-6.2

12 The undersigned, counsel of record for the Defendants, certifies that this Notice
13 contains 332 words and is 1 page, which complies with the word limit of L.R. 11-6.1 and
14 the page limit of the Court's Standing Order.
15

16 Dated: April 25, 2025

17 /s/ Alexander L. Farrell

ALEXANDER L. FARRELL